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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,720	05/25/2004	Chengshing Lai	11249-US-PA	3719

31561 7590 09/07/2005

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI, 100
TAIWAN

EXAMINER

FOX, BRYAN J

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/709,720	Applicant(s) LAI ET AL.	
	Examiner Bryan J. Fox	Art Unit 2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/25/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Deluca et al (US005784001A).

Regarding claim 1, Deluca et al disclose a system for sending a receiving graphics messages (see column 2, lines 42-67), which reads on the claimed, "method of sending a short message via a mobile communication device." A message originator can therefore press the buttons associated with the codes to provide graphics information to a selective call terminal (see column 2, lines 51-67), which reads on the claimed, "(a) acquiring a content of a short message, said content of said short message including at least a symbol," and, "(e) sending said personalized short message." When at least one predetermined code is recognized by the data communication receiver 100, a graphics message comprising one or more graphic images is presented to the user of the receiver 100 (see column 2, lines 42-67), which reads on the claimed, "(b) acquiring a definition of said symbol; (c) acquiring an inserting content based on said definition of said symbol; (d) inserting said inserting content to replace said symbol to generate a personalized short message."

Regarding claim 2, Deluca et al disclose the graphic images available for presenting graphic messages are preferably stored by the data communication receiver 100 in, for example, a graphics database 155 (see column 3, lines 1-17), which reads on the claimed, "said mobile communication device includes a symbol database, and said step (b) further includes acquiring said definition of said symbol from said symbol database."

Regarding claim 3, Deluca et al disclose codes with a predetermined character, such as '#' are used to represent a graphic (see column 4, lines 33-51) or a word can be used (see column 6, lines 19-36), which reads on the claimed, "said symbol includes at least one of a name replacement symbol, an appellation replacement symbol, and an supplement content replacement symbol."

Regarding claim 4, Deluca et al disclose the graphic images available for presenting graphic messages are preferably stored by the data communication receiver 100 in, for example, a graphics database 155 (see column 3, lines 1-17 and figure 2), which reads on the claimed, "said mobile communication device includes an address table database, and said step (c) further includes acquiring said inserting content from said address table database."

Regarding claim 5, Deluca et al disclose codes with a predetermined character, such as '#' are used to represent a graphic (see column 4, lines 33-51) or a word can be used (see column 6, lines 19-36), which reads on the claimed, "said inserting content includes at least one of a name replacement symbol, an appellation replacement symbol, and an supplement content replacement symbol," wherein a graphic reads on at least a supplement content.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rincon et al (US006512448B1) disclose a multilingual wireless messaging system.

Hamynen et al (US006889062B2) disclose a system and protocol for providing pictures in wireless communication messages.

Kim (US006889062B2) discloses a method of transmitting and receiving graphic short message service messages in a portable radio terminal.

Simons et al (US006320595B1) disclose graphic image generation and coding.

LaPorta et al (US005959543A) disclose a two-way wireless messaging system with flexible messaging.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan J. Fox whose telephone number is (571) 272-7908. The examiner can normally be reached on Monday through Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2686

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bryan Fox
September 1, 2005

Marsha D. Banks-Harold
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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600